

## Chapter 66

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\* **Cross References**--Buildings and building regulations, ch. 14; health and sanitation, ch. 38; vehicles giving offensive odor or noise or spilling loads, § 38.101; mobile homes, ch. 46; nuisances, ch. 50; rubbish on streets and sidewalks, § 70.102; utilities, ch. 86.

**State Law References**--Solid waste facilities generally, Wis. Stats. § 289.01 et seq.

## Chapter 66

### SOLID WASTE

#### **Sec. 66.100. Title.**

Refuse and Recycling Ordinance for the Village of Weston.

(Ord. of 3-20-2014)

#### **Sec. 66.101. Purpose.**

The purpose of this Ordinance is to regulate the accumulation, separation and disposal of solid waste within the Village and to promote recycling, composting, and resource recovery through the administration of an effective recycling program, as provided in Wis. Stat. §§ 287.09 and 287.11 and Wis. Admin. Code NR § 544.

(Ord. of 8-22-1994, § 1(1); Ord. of 3-20-2014)

#### **Sec. 66.102. Interpretation.**

In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements and shall not be deemed a limitation or repeal of any other power granted by Statute. Where any terms or requirements of this Ordinance may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this Ordinance is required by Statute, or by a standard in Wis. Admin. Code NR Ch. 544 and where the Ordinance provision is unclear, the provision shall be interpreted in light of the Statutes and the Wis. Admin. Code NR Ch. 544 standards in effect on the date of the adoption of the Ordinance, or in effect on the date of the most recent text amendment to this Ordinance.

(Ord. of 8-22-1994, § 1(17); Ord. of 3-20-2014)

#### **Sec. 66.103. Severability.**

Should any portion of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected.

(Ord. of 3-20-2014)

#### **Sec. 66.104. Statutory Authority, Applicability and Administration.**

This Ordinance is adopted under Wis. Stat. § 287.09(2). It is intended to apply to all persons within the Village and its provisions shall be administered by the Board, and/or other Village officials designated by the Board.

(Ord. of 8-22-1994, § 1(2); Ord. of 3-20-2014)

## **Sec. 66.105. Definitions.**

The following words, terms and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this Ordinance, except where the context clearly indicates a different meaning.

- (1) "Automotive engine oil" has the meaning given in Wis. Stat. § 287.15(1)(a).
- (2) "Bi-metal container" means a container for beverages that is made primarily of a combination of steel and aluminum.
- (3) "Collector" means a person, firm or corporation licensed to collect, dispose of and/or market recyclable and/or non-recyclable solid waste within the Village.
- (4) "Composting" means biological degradation and transformation of organic solid waste under controlled conditions designed to promote aerobic decompositions and includes vermicomposting.
- (5) "Container board" means corrugated paperboard used in the manufacture of shipping containers and related products.
- (6) "Foam polystyrene packaging" means packaging made primarily from foam polystyrene that satisfies one of the following criteria:
  - a. is designed for serving food or beverages;
  - b. consists of loose particles intended to fill space and cushion the article in a shipping container;
  - c. consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.
- (7) "Free liquids" means liquids which readily separate from the solid portion of waste under ambient temperature and pressure.
- (8) "Glass container" means a glass bottle, jar or other packaging container used to contain a product that is the subject of a retail sale and does not include ceramic cups, dishes, light bulbs, mason jars, oven ware, plate glass, safety and window glass, heat resistant glass such as Pyrex, lead based glass such as crystal, or TV tubes.
- (9) "HDPE" means high density polyethylene. NOTE: Plastic containers made of HDPE and regulated under Wis. Admin. Code Ch. ATPC 137 will have a triangular symbol with number "2."
- (10) "LDPE" means low density polyethylene. NOTE: Plastic containers made of LDPE and regulated under Wis. Admin. Code Ch. ATPC 137 will have a triangular symbol with number "4."
- (11) "Magazines" means magazines and other materials printed on similar paper.

(12) “Major appliance” means a residential or commercial air conditioner, clothes washer, clothes dryer, dishwasher, freezer, microwave oven, oven, stove, refrigerator, furnace, boiler, dehumidifier or water heater.

(13) “Multiple-family dwelling” means a property containing 5 or more residential units, including those which are occupied seasonally, and all residential facilities that do not meet the definition of “residential unit.”

(14) “Newspaper” means a newspaper and other materials printed on newsprint.

(15) “Non-recyclable post-consumer waste” means solid waste for which there exists no commercially demonstrated method of resource recovery. It does not include solid waste generated in the production of goods, hazardous waste as defined in Wis. Stat. § 291.01(7), waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste as defined in Wis. Stat. § 289.01(17).

(16) “Non-residential facilities and properties” means commercial, retail, industrial, institutional and governmental facilities and properties. It includes any location at which goods or services are provided or manufactured, including locations under construction, demolition or remodeling, or used for special events such as, but not limited to, fairs, festivals, port venues, conferences and exhibits.

(17) “Office paper” means high grade printing and writing papers from offices in non-residential facilities and properties. Printed white ledger and computer printout are examples or office paper generally accepted as high grade. This term does not include industrial process waste.

(18) “Oil filter” means a filter for automotive engine oil.

(19) “Oil absorbent materials” means materials that are used to absorb waste oil.

(20) “Other resins or multiple resins” means plastic resins regulated under Wis. Admin. Code Ch. ATPC 137 and having a triangular symbol with number “7.”

(21) “Person” includes any individual, corporation, limited liability company, partnership, association, local governmental unit as defined in Wis. Stat. § 66.0131(1)(a), state agency or authority or federal agency.

(22) “PETE” or “PET” means polyethylene terephthalate. NOTE: Plastic containers made of PETE and regulated under Wis. Admin. Ch. ATPC 137 will have a triangular symbol with number “1.”

(23) “Plastic container” means an individual, separate, rigid plastic bottle, can, jar or carton, except for a blister pack, that is originally used to contain a product that is the subject of a retail sale. A plastic container includes those made of PETE (#1), HDPE (#2), PVC (#3), LDPE (#4), PP (#5), PS (#6), and other resins or multiple resins (#7).

(24) “Postconsumer waste” means solid waste other than solid waste generated in the

production of goods, hazardous waste as defined in Wis. Stat. § 291.01(7), waste from construction and demolition of structures, scrap automobiles or high-volume industrial waste as defined in Wis. Stat. § 289.01(17).

(25) “PP” means polypropylene. NOTE: Plastic containers made of PP and regulated under Wis. Admin. Code Ch. ATPC 137 will have a triangular symbol with number “5.”

(26) “PS” means polystyrene. NOTE: Plastic containers made of PS and regulated under Wis. Admin. Code Ch. ATPC 137 will have a triangular symbol with number “6.”

(27) “PVC” means polyvinyl chloride. NOTE: Plastic containers made of PVC and regulated under Wis. Admin. Code Ch. ATPC 137 will have a triangular symbol with number “3.”

(28) “Recyclable materials” or “recyclable solid waste” is defined by Wis. Admin. § NR 544.03(33) and includes items that are banned from land disposal and incineration pursuant to Wis. Stat. § 287.07. These items include, but are not limited to, lead acid batteries, major appliances, waste oil, yard waste, waste tires, aluminum containers, corrugated paper or other container board, foam polystyrene packaging, glass containers, magazines, newspaper, office paper, plastic containers, steel containers, bi-metal containers, used oil filters, oil absorbent materials with visible signs of free-flowing oil and electronic devices listed in Wis. Stat. § 287.07(5).

(29) “Residential unit” means each single family residence and each two to four unit residence within the Village under one property tax parcel.

(30) “Solid waste” means any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant or air pollution control facility and other discarded or salvageable materials, including solid, liquid, semisolid or contained gaseous materials resulting from industrial, commercial, mining and agricultural operations, and from community activities, but does not include solids or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under Wis. Stat. § 283, or source material as defined in § 254.31(10), special nuclear material as defined in § 254.31(11), or by-product material as defined in § 254.31(1).

(31) “Solid waste facility” means a facility for solid waste treatment, solid waste storage or solid waste disposal, and includes commercial, industrial, municipal, state and federal establishments or operations such as, without limitation because of enumeration, sanitary landfills, dumps, land disposal sites, incinerators, transfer stations, storage facilities, collection and transportation services and processing, treatment and recovery facilities. This term includes the land where the facility is located. This term does not include a facility for the processing of scrap iron, steel or nonferrous metal using large machines to produce a principal product of scrap metal for sale or use for re-melting purposes. This term does not include a facility which uses large machines to sort, grade, compact or bale clean wastepaper, fibers or plastics, not mixed with other solid waste, for sale or use for recycling purposes. This term does not include an auto junk yard or scrap metal salvage yard.

(32) “Solid waste treatment” means any method, technique or process which is designed

to change the physical, chemical or biological character or composition of solid waste.  
“Treatment” includes incineration.

(33) “Village’s contracted collector” means a person, firm or corporation specifically contracted by the Village to collect, dispose of and/or market certain recyclable materials and/or post-consumer waste from residential units.

(34) “Waste oil” means any petroleum-derived or synthetic oil that has been used or spilled.

(35) “Waste tire” means a tire that is no longer suitable for its original purpose because of wear, damage or defect.

(36) “Yard waste” means leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than 6 inches in diameter. This term does not include stumps, roots or shrubs with intact root balls.

(Ord. of 8-29-1988, § 1; Ord. of 8-22-1994, § 1 (3); Ord. of 5-2-1997, § 1(a); Ord. of 3-20-2014)

**Cross References**--Definitions generally, § 1.101.

#### **Sec. 66.106. Storing of Solid Waste.**

Any accumulation of solid waste on any premises in the Village is declared to be a nuisance and is prohibited. The owner is responsible for the timely removal and proper disposal of solid waste from the owner’s premises. Upon failure to remove the nuisance after written notice to the owner, the Village may cause the nuisance to be removed and disposed of at the owner’s expense. The Village shall collect from the owner all costs associated with removal and disposal of the nuisance. All unpaid charges and fines will be placed on the tax roll.

(Code 1982 §6.07(8); Ord. of 1-24-2013; Ord. of 3-20-2014)

#### **Sec. 66.107. Separation of Recyclable Materials.**

All persons who generate or dispose of solid waste within the Village shall separate the following recyclable materials from non-recyclable solid waste:

- (1) aluminum containers;
- (2) bi-metal containers;
- (3) corrugated paper or other container board;
- (4) foam polystyrene packaging;
- (5) glass containers;
- (6) magazines (and other materials printed on similar paper);
- (7) newspaper (and other materials printed on similar paper);
- (8) office paper;
- (9) plastic containers;
- (10) steel containers;

- (11) electronic devices listed in Wis. Stat. § 287.07(5);
- (12) lead acid batteries;
- (13) major appliances;
- (14) yard waste;
- (15) waste tires;
- (16) used oil filters;
- (17) waste oil;
- (18) oil absorbent materials with visible signs of free-flowing oil.

(Ord. of 8-22-1994, § 1(4); Ord. of 3-20-2014)

#### **Sec. 66.108. Separation Requirements Exempted.**

The separation requirements of Sec. 66.107 do not apply to the following:

- (a) Persons who send their postconsumer waste to a processing facility licensed by the Wisconsin Department of Natural Resources that recovers the materials specified in Sec. 66.107 from solid waste in as pure a form as is technically feasible.
- (b) Solid waste burned as a supplemental fuel at a facility if less than 30 percent of the heat input to the facility is derived from the solid waste burned as supplemental fuel.
- (c) A recyclable material specified in Sec. 66.107 for which a variance has been granted by the Department of Natural Resources under Wis. Stat. § 287.11(2m) or Wis. Admin. Code NR § 544.14.

(Ord. of 8-22-1994, § 1(5); Ord. of 3-20-2014)

#### **Sec. 66.109. Care of Separated Recyclable Materials.**

To the greatest extent practicable, recyclable materials separated in accordance with Sec. 66.107 shall be clean and kept free from contaminants such as food or product residue, oil or grease, or other non-recyclable materials, including but not limited to: household hazardous waste, medical waste, and agricultural chemical containers. Recyclable materials shall be stored in a manner that protects them from wind, rain and other inclement weather conditions.

(Ord. of 8-22-1994, § 1(6); Ord. of 3-20-2014)

#### **Sec. 66.110. Management of Lead Acid Batteries, Major Appliances, Waste Oil, Used Oil Filters, Oil Absorbent Materials with Visible Free-Flowing Oil, Electronics and Yard Waste.**

Occupants of residential units, multiple-family dwellings and non-residential facilities and properties shall arrange for the proper collection and disposal of lead acid batteries, major appliances, waste oil, used oil filters, oil absorbent materials with visible free-flowing oil and electronics with a collector at the occupant's request and expense, except occupants of residential



units may contact the Village's contracted collector for curbside removal and disposal of lead-acid batteries and containerized waste oil at no additional expense. Yard waste may be disposed of at the Weston Municipal Yard Materials site, removed by a collector at the occupant's request and expense, or composted pursuant to Sec. 66.120.

(Ord. of 8-22-1994, § 1(7); Ord. 3-20-2014)

**Sec. 66.111. Responsibilities of Residential Unit Owners and Occupants.**

(a) Except as otherwise directed by the Village, owners and occupants of residential units shall follow the preparation and collection of recycling materials as adopted by Board resolution to meet vendor and market conditions.

(b) All residential units shall be provided a wheeled recycling cart and a wheeled non-recyclable post-consumer waste cart by the Village's contracted collector. Provided carts are to be maintained by the residential unit owners and occupants in a good, clean and sanitary condition and shall not be removed from the premises by the residential unit owner or occupant. These carts shall be water tight and fly-proof at all times. Covers shall be kept tightly on the carts to prevent materials from blowing or spilling. The carts will be rented to each residential unit and paid for in accordance with Wis. Stat. §287.093. A service fee shall be placed on the tax roll, as a special charge, per dwelling unit.

(c) Properly prepared bi-metal containers, container board, foam polystyrene packaging, glass containers, HDPE, LDPE, magazines, newspaper, other resins or multiple resins, PETE, plastic containers, PP, PS, PVC and aluminum cans within the recycling cart shall be collected at curbside according to a schedule set by the Village. The recycling cart shall not be placed at the curbside collection point sooner than the night before the day of collection. The cart shall be removed from the collection point within 12 hours after collection. In order to prevent carts from being an obstruction to snowplows, carts are prohibited from being placed within the roadway. The Village will not be responsible for carts that are damaged due to being struck by Village snowplows.

(d) Non-recyclable post-consumer waste contained within a non-recyclable cart shall be collected at curbside according to a schedule set by the Village. Overflow refuse bags containing non-recyclable post-consumer waste shall be collected at curbside if the bag weighs less than 50 pounds and an overflow sticker is attached to the bag. Overflow stickers may be purchased from the Village. The non-recyclable cart and any overflow bags shall not be placed at the curbside collection point sooner than the night before the day of collection. The cart and any uncollected solid waste shall be removed from the collection point within 12 hours after collection. In order to prevent carts from being an obstruction to snowplows, carts are prohibited from being placed within the roadway. The Village will not be responsible for carts that are damaged due to being struck by Village snowplows.

(e) No person shall place the following materials at the curbside collection point for collection by the Village's contracted collector unless the person has made separate arrangements for the collection at the person's own expense:

- (1) Non-separated recyclable and non-recyclable post-consumer waste;
- (2) Hazardous waste as defined in Wis. Stat. § 291.01(7);
- (3) Paint or stain (latex-based paint cans can go in the trash, as long as contents in can are dried out);
- (4) Flammable liquid;
- (5) Explosives;
- (6) Chemicals;
- (7) Carcasses;
- (8) Home generated sharps unless they are deposited in an FDA approved sharps collection container;
- (9) Infectious waste as defined by Wis. Stat. § 287.07(7)(c)1.c, and other waste that contains or may be mixed with infectious waste;
- (10) Automotive parts or accessories;
- (11) Metal;
- (12) Yard waste;
- (13) Tires;
- (14) Major appliances;
- (15) Lead acid batteries unless prior arrangements are made with the Village's collector;
- (16) Used oil filters;
- (17) Oil absorbent materials with visible signs of free-flowing oil;
- (18) Waste oil unless prior arrangements are made with the Village's collector;
- (19) Electronic devices listed in Wis. Stat. § 287.07(5);
- (20) Items that do not fit within the provided cart unless the items are placed in overflow refuse bags that weigh less than 50 pounds and an overflow sticker purchased from the Village is attached to each bag.

(Ord. of 8-29-1988, § 2; Ord. of 8-22-1994, § 1(8); Ord. of 1-24-2013; Ord. 3-20-2014)

**Sec. 66.112. Responsibilities of Owners or Designated Agents of Multiple-Family Dwellings.**

(a) The owner of a multi-family dwelling shall arrange for the removal of non-recyclable post-consumer waste and recyclable materials specified in Sec. 66.107(1) through (10) from the multi-family dwelling at the owner's expense. The owner or designated agent of a multi-family dwelling shall provide adequate separate containers for the disposal of both non-recyclable post-consumer waste and those recyclable materials specified in Sec. 66.107(1) through (10). A non-recyclable post-consumer waste container of at least 95 gallons shall be provided per dwelling unit. Dumpsters may be provided using this size equivalency, such that an eight-unit dwelling would require at least a four-yard dumpster, a ten-unit dwelling would require at least a six-yard dumpster, etc. The owner or designated agent of a multi-family dwelling shall also provide recyclable material containers of at least the same size as the non-recyclable post-consumer waste containers. Non-recyclable post-consumer waste shall be removed and disposed of by a collector at the owner's expense at least once each week. Recyclable materials specified in Sec. 66.107(1) through (10) shall be removed by a collector at the owner's expense at least once every other week. To ensure compliance, the owner of a multi-

family dwelling shall provide the Village with a copy of its current collection contract within five (5) business days of a written request from the Village.

The owner or designated agent may apply in writing for a special exception from the Village's Planning and Development Department regarding the minimum size of containers. The Village may grant a special exception if the applicant clearly shows that the ordinance requirement creates an unnecessary hardship and granting the special exception will not harm the public interest or undermine the purpose of this ordinance. The Village reserves the right to revoke the special exception at any time, for any reason.

(b) The owner or designated agent of a multi-family dwelling shall do all of the following:

- (1) Provide adequate, separate containers for the recyclable materials specified in Sec. 66.107(1) through (10);
- (2) Notify tenants in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter about the established on-premises recycling program, which materials are collected, and how to prepare the materials in order to meet the processing requirements and collection methods;
- (3) Provide educational materials to tenants with resources on proper disposal options for recyclable materials described in Sec. 66.111(e);
- (4) Provide for the collection of the recyclable materials specified in Sec. 66.107(1) through (10), separated from the non-recyclable post-consumer waste, and the delivery of the recyclable materials to a recycling facility; and
- (5) Notify tenants of reasons to reduce and recycle solid waste, which materials are collected, how to prepare the materials in order to meet the processing requirements, collection methods, or sites, location and hours of operation, and a contact person or company, including a name, address and telephone number.

(c) The requirements specified in (a) do not apply to the owner or designated agent of a multi-family dwelling if the post-consumer waste generated within the dwelling is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in Sec. 66.107 from solid waste in as pure a form as is technically feasible.

(Ord. of 8-22-1994, § 1(11); Ord. of 3-20-2014; Ord. of 10-24-2014)

**Sec. 66.113. Responsibilities of Owners or Designated Agents of Non-Residential Facilities and Properties.**

(a) The owner of non-residential facilities and properties shall arrange for the removal of solid waste and collection of separated recyclable materials specified in Sec. 66.107 (1) through (10) from their property at their expense. The owner or designated agent of non-residential facilities and properties shall provide adequate separate containers for the disposal of non-recyclable post-consumer waste and recyclable materials specified in Sec. 66.107(1) through (10), and shall provide resource information on how and where to dispose materials specified in Sec. 66.111(e). Non-recyclable post-consumer waste shall be removed and disposed of by a collector at the owner's expense at least once each week. Recyclable materials specified in Sec. 66.107(1) through (10) shall be removed by a collector at the owner's expense at least once every other week. To ensure compliance, the owner of non-residential facilities and properties shall provide the Village with a copy of its current collection contract(s) within five (5) business days of a written request from the Village.

The owner or designated agent may apply in writing for a special exception from the Village's Planning and Development Department regarding the minimum size of containers. The Village may grant a special exception if the applicant clearly shows that the ordinance requirement creates an unnecessary hardship and granting the special exception will not harm the public interest or undermine the purpose of this ordinance. The Village reserves the right to revoke the special exception at any time, for any reason.

(b) The owner(s) or designated agent(s) of non-residential facilities and properties shall do all of the following:

- (1) Provide adequate, separate containers for the recyclable solid waste specified in Sec. 66.107(1) through (10);
- (2) Notify in writing, at least semi-annually, all users, tenants and occupants of the properties about the established on-site recycling program, which materials are collected, and how to prepare the materials in order to meet the processing requirements and collection methods;
- (3) Provide educational materials to all users, tenants and occupants of the properties with resources on proper disposal options for recyclable materials described in Sec. 66.111(e).
- (4) Provide for the collection of the materials specified in Sec. 66.107 (1) through (10), separated from the solid waste by the users, tenants and occupants, and the delivery of the materials to a recycling facility; and
- (5) Notify users, tenants and occupants of reasons to reduce and recycle, which materials are collected, how to prepare the materials in order to meet the processing requirements, collection methods, or sites, location and hours of

operation, and a contact person or company, including a name, address and telephone number.

(c) The requirements specified in (a) do not apply to the owners or designated agents of non-residential facilities and properties if the postconsumer waste generated within the facility or property is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling materials specified in Sec. 66.107 from solid waste in as pure a form as is technically feasible.

(Ord. of 8-22-1994, § 1(12); Ord. of 3-20-2014; Ord. of 10-24-2014)

**Sec. 66.114. Responsibilities of Occupants of Multi-Family Dwellings and Non-Residential Facilities and Properties.**

In addition to the responsibilities set forth in Sec. 66.107, 66.109 and 66.110, occupants of multi-family dwellings and non-residential facilities and properties shall, at their expense, arrange for the proper collection and disposal of their solid waste that is not post-consumer waste, such as hazardous waste, paint, stain, flammable liquid, explosives, chemicals, carcasses, home generated sharps, infectious waste, automotive parts or accessories, etc. This obligation does not relieve the owner of said premises from liability under Sec. 66.106 for the accumulation of solid waste on the owner's premises. The owner is responsible for the timely removal and proper disposal if the occupant fails to do so. The Village shall collect from the owner all costs associated with removal and disposal of the nuisance. All unpaid charges and fines will be placed on the tax roll. The owner's recourse, if any, will be against the occupant.

(Ord. of 3-20-2014; Ord. of 10-24-2014)

**Sec. 66.115. Exterior Storage Standards for Multiple-Family Dwellings and Non-Residential Facilities and Properties.**

(a) All exterior storage of recyclable and non-recyclable containers, within multiple-family dwellings and non-residential facilities and properties, shall be placed and maintained within a three-sided enclosure and enclosed on the fourth side with a gate to contain garbage, refuse, waste, recycling and other debris. The enclosure shall further meet all of the following requirements:

- (1) Subject to accessory structure regulations, per Section 94.174 of the Village Zoning Code.
- (2) Must be at least 10 feet from any combustible walls, openings, or combustible roof eave lines, as per NFPA 1 (most recent addition).
- (3) Not placed in any minimum required front or street side yard.

- (4) Must be placed to the interior side or rear of the principal structure, unless such a location is not possible in the determination of the Zoning Administrator.
- (5) Must be a minimum of 30-feet long by 10-feet wide.
- (6) Must be 8-feet tall.
- (7) Must be placed on a permanent paved or concrete surface.
- (8) The recyclable and non-recyclable containers shall be fully screened and not visible from public rights-of-way and adjacent properties from the ground level; the screening shall consist of a solid fence constructed of masonry, commercial grade wood fencing, or other commercial grade material approved by the Planning and Development Department. Chain link fences and gates with slats are not permitted for this purpose.
- (9) This fence shall be constructed in such a manner so as to prevent paper, debris, and other refuse material from being blown through the fence.
- (10) The Village's Refuse and Recycling Site Application must be submitted and approved by the Village prior to installation. The owner shall provide proof to the Village, from the owner's contracted solid waste/recycling hauler, that the design provides safe and reasonable access to the hauler to provide the contracted service.

(b) The owners of a multi-family dwelling and/or non-residential facilities and properties shall be responsible for full compliance with the requirements of this Ordinance.

(c) The owner or designated agent may apply for a special exception from the Village's Planning and Development Department regarding the minimum size of the enclosure, and may apply for a special exception on the location, shape, and style of enclosure used. The Village may grant a special exception if the applicant clearly shows that the ordinance requirement creates an unnecessary hardship and granting the special exception will not harm the public interest or undermine the purpose of this ordinance.

(d) The exterior storage of non-recyclable and recyclable material, and associated containers, and enclosures, which are not in compliance with this subsection as of October 24, 2014, shall have one year from such date to comply.

(Ord. of 3-20-2014; Ord. of 10-24-2014)

#### **Sec. 66.116. Prohibitions on Disposal of Recyclable Materials Separated for Recycling.**

No person may dispose of any recyclable materials as defined by Sec. 66.105(28), in a solid waste disposal facility.

(Ord. of 3-20-2014; Ord. of 10-24-2014)

**Sec. 66.117. Dumping Garbage, Refuse and Waste.**

(a) No person may deposit, throw, discard, place or abandon any solid waste upon any street, court, lane, alley, business square, public enclosure, vacant lot, house yard, body of water, or any place, except in a container intended for that purpose. No person shall disturb the contents of any recyclable or non-recyclable waste container. No person shall remove any item from recyclable or non-recyclable carts or other waste containers located on private premises without the consent of the occupant of the premises.

(b) No person shall deposit or leave any recyclable or non-recyclable solid waste in any garbage container belonging to another person without first securing permission to use such container for disposal purposes.

(c) Recyclable and non-recyclable containers placed at public waste sites, public parks and other public areas within the Village are intended to be used for the disposal of recyclable and non-recyclable post-consumer waste generated at, and associated with, the use of the public facility being served by those containers. No person shall deposit or leave any recyclable or non-recyclable post-consumer waste at any public wayside or park within the Village unless the recyclable or non-recyclable post-consumer waste was generated upon the premises being served by that container and in connection with the use of the public facility.

(Ord. of 3-20-2014; Ord. of 10-24-2014)

**Sec. 66.118. Disposal of Building Wastes.**

All solid waste resulting from the remodeling, construction or reconstruction of a building or structure, roadway or sidewalk shall be disposed of by the owner at the owner's expense.

(Ord. of 3-20-2014; Ord. of 10-24-2014)

**Sec. 66.119. Right to Reject Materials.**

The Village's contracted collector may reject any recyclable material or non-recyclable post-consumer waste that is not prepared according to this Ordinance or the policies adopted by the Board.

(Ord. of 3-20-2014; Ord. of 10-24-2014)

**Sec. 66.120. Scavengers Prohibited.**

All recyclable materials and non-recyclable post-consumer waste placed at the roadside for collection by the collector shall be deemed the property of the Village and no person may disturb or remove any such items.

(Ord. of 3-20-2014; Ord. of 10-24-2014)

**Sec. 66.121. Residential Composting.**

(a) Composting in all residential zoning districts shall be conducted within an enclosed container not to exceed five-feet by five-feet by five-feet for lots less than forty-thousand (40,000) square feet and two (2) five-foot by five-foot by five-foot containers for lots forty thousand (40,000) square feet to one hundred twenty thousand (120,000) square feet. Containers shall be of a durable material including, but not limited to, rot-resistant wood or a commercially purchased composting unit which will provide for adequate aeration. Containers shall be constructed and maintained in a structurally sound manner.

(b) The compost container(s) shall be located in the rear yard no closer than ten (10) feet to any rear or side property line nor closer than twenty(20) feet to any habitable building, other than the resident(s)' own home.

(c) Only grass clippings, leaves, weeds that have not gone to seed, non-diseased plants, trimmings less than one-fourth inch in diameter, straw, sawdust, wood ashes, fruit or vegetable scraps, coffee grounds, egg shells, paper, and commercially available compost ingredients may be placed in the compost container(s). Meat, bones, fat oils, grease, dairy products, feces, plastics or synthetic fibers shall not be placed in the compost container(s).

(d) Compost materials shall be layered, aerated, moistened, turned, managed and covered during inclement weather to promote effective decomposition of the materials in a safe, secure and sanitary manner.

(e) All compost containers and/or compost materials not in compliance with this section shall be declared a public nuisance and are subject to enforcement and abatement as provided in Sec. 66.122 of this Ordinance.

(Ord. of 3-20-2014; Ord. of 10-24-2014)

**Sec. 66.122. Enforcement.**

(a) For the purpose of ascertaining compliance with the provisions of this Ordinance, any authorized officer, employee or representative of the Village or the Everest Metro Police



Department may inspect recyclable materials separated for recycling, post-consumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas of multiple-family dwellings and non-residential facilities and properties, and any records relating to recycling activities, which shall be kept confidential when necessary to protect proprietary information. No person may refuse access to any authorized officer, employee or authorized representative of the Village or the Everest Metro Police Department who requests access for purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper or interfere with such an inspection.

(b) Any person who violates a provision of this Ordinance may be issued a citation by the Village or the Everest Metro Police Department to collect forfeitures. The issuance of a citation shall not preclude proceeding under any other ordinance of law relating to the same or any other matter. Proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this section.

(c) Penalties for violating this Ordinance may be assessed as follows:

- (1) Any person who violates a provision of this Ordinance, except Section 66.116, may be required to forfeit not less than \$10.00 nor more than \$1,000.00 for each violation.
- (2) Any person who violates Section 66.116 may be required to forfeit \$50.00 for a first violation, \$200.00 for a second violation, and not more than \$2,000.00 for a third or subsequent violation;
- (3) The forfeiture and penalties provided in this section shall not be construed as prohibiting other methods of enforcing this Ordinance, including, but not limited to, penalties provided for in Sec. 1.111, injunctions and other forms of relief available to the Village.

(Ord. of 8-29-1988, § 6.075(6); Ord. of 8-22-1994, § 1(15); Ord. of 3-20-2014; Ord. of 10-24-2014)